

Docket No.: 4425-090

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
OCT -2 2003

In re Application of  
TECHNOLOGY CENTER 2800

Pei-Ren JENG

U.S. Patent Application No. 09/729,833

Filed: December 6, 2000

For: METHOD FOR PATTERNING A DUAL DAMASCENE WITH RETROGRADE  
IMPLANTATION

Dear Sir:

Transmitted herewith is a *Request for Reconsideration* in the above identified application.

No additional fee is required.  
 Small entity status of this application has been established  
 Also attached: **Terminal Disclaimer**

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	13	50	0	x \$ 18 =	\$ 0.00
Independent Claims	1	5	0	x \$ 84 =	\$ 0.00
If multiple defendant claims newly presented, add					n/a
<i>Terminal Disclaimer</i>					\$110.00
					<b>TOTAL FEE DUE</b> <b>\$110.00</b>

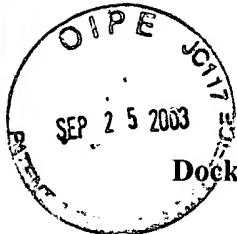
A credit card authorization form in the amount of **\$110.00** is attached.  
 The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 07-1337, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

**LOWE HAUPTMAN GILMAN & BERNER, LLP**

Benjamin J. Hauptman  
Registration No.: 29,310

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111BJH/klb  
(703) 518-5499 Facsimile  
Date: September 25, 2003



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECHNOLOGY CENTER 2800

OCT -2 2003

In re Application of

: EXPEDITED PROCEDURE

Pei-Ren JENG

: RESPONSE UNDER 37 CFR 1.116

U.S. Patent Application No. 09/729,833

: Confirmation No. 5660

Filed: December 6, 2000

: Group Art Unit: 2823

: Examiner: Hsien Lee

For: METHOD FOR PATTERNING A DUAL DAMASCENE WITH RETROGRADE  
IMPLANTATION

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, *Macronix International Co., Ltd.* of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior *Patent No. 6,372,660*. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a

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maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney of record and therefore the certification under 37 CFR 3.73(b) is not required.

Respectfully submitted,

**LOWE HAUPTMAN GILMAN & BERNER, LLP**

Benjamin J. Hauptman  
Registration No. 29,310

1700 Diagonal Road, Suite 300

Alexandria, VA 22314

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**Date: September 25, 2003**